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wfyIN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIATERRANCE MONTAGUE,  
Plaintiff

v.

ROBERT W. MEYERS, et al.,  
Defendants:  
:  
: No. 1:CV-00-0895  
:  
: (M.J. Smyser)  
:  
:FILED  
HARRISBURG

MAR 12 2001

MARY E. D'ANDREA, CLERK

DEPUTY CLERK

ANSWER TO SUPPLEMENTAL COMPLAINT

Defendants, by their counsel, hereby answer plaintiff's supplemental complaint filed

March 1, 2001.

FIRST DEFENSE

The numbered allegations of the supplemental complaint are answered as follows:

1. DENIED.
2. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.
3. ADMITTED in part; DENIED in part. ADMITTED that on December 27, 2000, plaintiff was transferred to SCI-Waymart for assessment of needs and treatment possibilities. DENIED that SCI-Waymart is a "mental health facility" inasmuch as that term is not defined.
4. ADMITTED in part; DENIED in part. ADMITTED that plaintiff was transferred without his consent. Defendants are WITHOUT KNOWLEDGE OR INFORMATION sufficient to form a belief as to the truth of the allegation that the transfer was without plaintiff's knowledge to be able to admit it; therefore, it is DENIED.
5. ADMITTED in part; DENIED in part. ADMITTED that at the time of plaintiff's transfer he was not actively seeking or participating in mental health treatment options.

DENIED that none was available to plaintiff. DENIED is the implication that none was appropriate or warranted for plaintiff. DENIED also is the implication that a needs assessment was inappropriate.

6. ADMITTED in part; DENIED in part. ADMITTED that at the time of plaintiff's transfer he did not have a mental breakdown or other type of acute mental episode. DENIED is the implication that a needs assessment was inappropriate.

7. DENIED.

8. Defendants are WITHOUT KNOWLEDGE OR INFORMATION sufficient to form a belief as to the truth of this numbered allegation to be able to admit it; therefore, it is DENIED.

9. Defendants are WITHOUT KNOWLEDGE OR INFORMATION sufficient to form a belief as to the truth of this numbered allegation to be able to admit it; therefore, it is DENIED.

10. DENIED.

11. DENIED.

12. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

13. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

14. This numbered paragraph contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

The remainder of the supplemental complaint contains conclusions of law to which NO RESPONSE is required; to the extent they are deemed factual, they are DENIED.

**SECOND DEFENSE**

The complaint fails to state a claim upon which relief may be granted.

**THIRD DEFENSE**

At no time have defendants, either individually or in concert with others, deprived or sought to deprive plaintiff of any rights, privileges or immunities secured to him by the Constitution or laws of the United States.

**FOURTH DEFENSE**

At all material times, defendants have acted with a reasonable good-faith belief in the lawfulness of their actions and are entitled to immunity therefor.

**FIFTH DEFENSE**

Plaintiff is entitled to no relief whether compensatory or equitable.

**WHEREFORE**, judgment should be entered in favor of defendants.

Respectfully submitted,

**D. MICHAEL FISHER**  
Attorney General

By:

  
**GREGORY R. NEUHAUSER**  
Senior Deputy Attorney General

**SUSAN J. FORNEY**  
Chief Deputy Attorney General  
Chief, Litigation Section

**OFFICE OF ATTORNEY GENERAL**  
15th Floor, Strawberry Square  
Harrisburg, PA 17120  
717-787-8106  
DATE: March 12, 2001

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,  
Plaintiff

v.


ROBERT W. MEYERS, et al.,  
Defendants

:  
:  
: No. 1:CV-00-0895  
:  
: (M.J. Smyser)  
:  
:

CERTIFICATE OF SERVICE

I, GREGORY R. NEUHAUSER, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on **March 12, 2001**, I caused to be served a true and correct copy of the foregoing document **Answer to Supplemental Complaint** by depositing it in the United States mail, first-class postage prepaid to the following:

Terrance Montague, BZ-2761  
SCI-Rockview  
Box A  
Bellefonte, PA 16823-0820

  
\_\_\_\_\_  
GREGORY R. NEUHAUSER  
Senior Deputy Attorney General